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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,376	02/10/2004	Mark E. Molander	SJ0920030094US1	9933
29683 7590 01/31/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER BRIER, JEFFERY A	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 01/31/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,376

Applicant(s)

MOLANDER ET AL.

Examiner

Jeffery A. Brier

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-9,12-14,16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-9,12-14,16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

Response to Amendment



2. The amendment filed on 10/30/2007 has been entered.

Response to Arguments

3. Applicant's arguments filed 10/30/2007 have been fully considered but they are not persuasive.

Claims 1, 12, and 20 were amended with a wherein clause which raises indefinite issues and which is unclear in view of applicants' specification and *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 69 USPQ2d 1865, 1878 (Fed. Cir. 2004).

Applicant argues that Havekost does not use graphical symbols. This argument is not totally persuasive because text is formed graphically on the display device. Column 54 lines 32-33 states "Each event marker may comprise a word indicating the event type". Thus, Havekost teaches to one of ordinary skill in the art event markers 90, 92 indicate event type and may comprise words but event markers 90, 92 are not limited to words.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to use graphical symbols since text is formed graphically from graphical symbols such as glyphs and since many fonts form characters as pictorial or decorative symbols such as present in Microsoft WORD Wingdings which forms WORD as:  and which forms alarm as: .

Claims 3 and 14 were amended to change symbols to discrete boxes stacked along the second axis. However, the stacked trend lines 60, 62, and 64 or 102 and 104 are graphical symbols stacked along the second axis which suggests using boxes as trend lines 60, 62, and 64 or 102 and 104. It would have been obvious to one of ordinary skill in the art at the time of applicant invention to utilize discrete boxes stacked along the second axis as the stacked trend lines 60, 62, and 64 or 102 and 104 because the form of the lines have only been slightly changed.

Claims 5 and 16 were amended to recite that the filter criteria is entered within the displayed tabular format while figures 5A-5E of Havekost shows a dialog box. However, the dialog box is associated with the tabular format and one of ordinary skill in the art would have been motivated to place the dialog box "within the displayed tabular format" because this would allow the user to more easily select a filter criteria or enter a filter criteria rather than using the application menu.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 8, 9, 12-14, 18, 19, 20, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12, and 20 were amended with a wherein clause which raises indefinite issues and which is unclear in view of applicants' specification and *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 69 USPQ2d 1865, 1878 (Fed. Cir. 2004). It is not clear how many of the listed graphical symbols are present at any one time and applicants specification does not describe all four present at any one time. Appropriate alternative language is needed.

Page 1878 states:

We agree with DirecTV. The phrase "at least one of" precedes a series of categories of criteria, and the patentee used the term "and" to separate the categories of criteria, which connotes a conjunctive list. A common treatise on grammar teaches that "an article of a preposition applying to all the members of the series must either be used only before the first term or else be repeated before each term." Willaim Strunk, Jr. & E. B. White, *The Elements of Style* 27 (4th ed. 2000). Thus, "[i]n spring, summer, or winter" means "in spring, in summer, or in winter." *Id.* Applying this grammatical principle here, the phrase "at least one of" modifies each member of the list, i.e., each category in the list. Therefore, the district court correctly interpreted this phrase as requiring that the user select at least one value for each category; that is, at least one of a desired program start time, a desired program end time, a desired program service, and a desired program type.

IPXL Holdings LLC v. Amazon.com Inc., 72 USPQ2d 1469 (DC EVa 2004) makes a decision similar to SuperGuide. Page 1480 states:

The parties dispute whether “user defined transaction information” requires both a “user defined transaction” *and* a “user defined transaction parameter” as Amazon contends, or only one of either a “user defined transaction” *or* a “user defined transaction parameter,” as IPXL contends. For the reasons set forth below, the Court finds that IPXL misreads both the plain words used in the claim as well as Federal Circuit precedent in arguing for its interpretation. In construing the very same language, the Federal Circuit construed “at least one of” to mean what Amazon has argued.

The phrase “at least one of” precedes a series of categories of criteria, and the patentee used the term “and” to separate the categories of criteria, which connotes a conjunctive list. A common treatise on grammar teaches that “an article of a preposition applying to all the members of the series must either be used only before the first term or else be repeated before each term.”

William Strunk, Jr. & E.B. White, *The Elements of Style* 27 (4th ed. 2000)... . Applying this grammatical principle here, the phrase “at least one of” modifies each member of the list, i.e., each category in the list. Therefore, the district court correctly interpreted this phrase as requiring that the user select at least one value for each category... . *SuperGuide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 886 [69 USPQ2d 1865] (Fed. Cir. 2004).

CAFC decision *Brown v. 3M*, 265 F.3d 1349, 60 USPQ2d 1375 (Fed. Cir. 2001)

This decision found that the term “or” in claim 16 in the *at least one of two-digit, three-digit,*

or four-digit year-date representations phrase is to be read in the alternative when read in

light of the specification. Page 1378 states:

The district court construed the word “or” in claim 16 as meaning that the apparatus was capable of converting “only two-digit, only three-digit, only four-digit, or any combination of two-, three-, and four-digit date-data.” Slip op. at 9. We agree with this construction of the claim, for it is the plain reading of the claim text. These are not technical terms of art, and do not require elaborate interpretation. There is no basis in the specification or prosecution history for reading “or” as “and” — nor does Dr. Brown request such a reading.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).


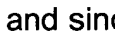
9. Claims 1-3, 5, 7, 9, 12-14, 16, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havekost et al, US Patent No. 7,023,440.

Havekost teaches displaying logged events and corresponding graphical trend chart having event markers and allows the user to interact with the logged events and corresponding graphical trend chart by allowing the user to position a cursor over a logged event or corresponding event marker on the graphical trend chart, column 3 lines 15-30. Havekost also teaches at column 1 line 59 to column 2 line 7 column 6 lines 51-58 filtering events and filtering for alarms and subsequently displaying the filtered events on the graphical trend chart.

Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc.". Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download",

“event”, or “status” and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia “being displayed at the top of the log chart, etc.”. The previous analysis applies to filtering since filtering for an alarm and all other non-alarm events produces a list of events that are alarm events and other non-alarm events where the alarm events are of primary concern and the other non-alarm events are of secondary concern due the selection in figure 5G of alarm as the first event type to list in the list “alarm”, “change”, “download”, “event”, and “status”, thus, the first of the of the corresponding list “alarm” is displayed first which in effect by being first to be displayed “pass the filtering” and the remaining criteria of the list “change”, “download”, “event”, and “status” is displayed secondly which in effect “do not pass the filtering” or due the selection in figure 5G of instrument as the first category to list in the list “instrument”, “process”, “system”, and “user” as shown in figure 5B, thus, the first of the of the corresponding list “instrument” is displayed first which in effect by being first to be displayed “pass the filtering” and the remaining criteria of the list “process”, “system”, and “user” is displayed secondly which in effect “do not pass the filtering” or similarly when any one of the other of “event type, category, area, node, module, state, level, desc1, desc2, order” is selected in figure 5G the first of the corresponding list is displayed first which in effect “pass the filtering” and the remaining criteria of the list is displayed secondly which in effect “do not pass the

filtering". Note the type of filtering has not been claimed. Thus, any type of filtering is covered by claims 5, 16, and 20.

The 10/30/2007 amendment added to claims 1, 12, and 20 a wherein clause which is deemed to have been obvious to one of ordinary skill in the art because text is formed graphically on the display device. Column 54 lines 32-33 states "Each event marker may comprise a word indicating the event type". Thus, Havekost teaches to one of ordinary skill in the art event markers 90, 92 indicate event type and may comprise words but event markers 90, 92 are not limited to words. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to use graphical symbols since text is formed graphically from graphical symbols such as glyphs and since many fonts form characters as pictorial or decorative symbols such as present in Microsoft WORD Wingdings which forms WORD as:  and which forms alarm as:  and since a graphical symbol will tell to diverse users, irregardless of their language, the event type in a predictable manner. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705.

The 10/30/2007 amendment amended to change symbols to discrete boxes stacked along the second axis. However, the stacked trend lines 60, 62, and 64 or 102 and 104 are graphical symbols stacked along the second axis which suggests using boxes as trend lines 60, 62, and 64 or 102 and 104. It would have been obvious to one of ordinary skill in the art at the time of applicant invention to utilize discrete boxes stacked along the second axis as the stacked trend lines 60, 62, and 64 or 102 and 104

because the form of the lines have only been slightly changed in a predictable manner.

KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705.

The 10/30/2007 amendment amended claims 5 and 16 to recite that the filter criteria is entered within the displayed tabular format while figures 5A-5E of Havekost shows a dialog box. However, the dialog box is associated with the tabular format and one of ordinary skill in the art would have been motivated to place the dialog box "within the displayed tabular format" because this would allow the user to more easily select a filter criteria or enter a filter criteria rather than using the application menu in a predictable manner. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705.

A detailed analysis of the claims follows.

Claim 1:

Havekost teaches a computer program embodied on a computer readable memory and executed by a computer for performing actions to control a display, the actions comprising (*Column 4 lines 31-46 describes a typical workstation having a 3 gigabyte hard drive and 128 megabytes of main memory and application software preferable written in C++ which inherently is stored the hard drive or main memory or both to allow workstation to perform the application.*) for:

displaying, for each of a plurality of logged events, at least a first portion of the logged event in a tabular format (*Event table 54, see figure 2.*) and at least a second

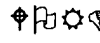

portion of the logged event in a graphical format (*Graphical trend chart 52, see figure 2.*);

in response to at least one event being selected in the tabular format (*Column 3 lines 26-30 discusses in response to the user using a cursor to select an event in the event table 54 the corresponding event in the graphical tend chart 52 is highlighted.*), changing the display of the corresponding at least one event in the graphical format (*Highlighting changes the display of the corresponding event in the graphical trend chart. See applicants claim 9 below.*); and

in response to at least one event being selected in the graphical format (*Column 3 lines 15-25 discusses in response to the user using a cursor to select an event in the graphical tend chart 52 the corresponding event in the event table 54 is highlighted.*), changing the display of the corresponding at least one event in the tabular format (*Highlighting changes the display of the corresponding event in the event table 54. See applicants claim 9 below.*);

displaying, in the graphical format, the logged events that comprise an alert requiring a user input (*Alarms generally require the attention of the user and the claim does not claim what type of user input is needed, thus, the general knowledge that an alarm requires the attention of the user to determine a course of action meets the claimed "a user input".*) with an indicia identifying the event as an alert (*Such as "alarm" in a manner show for "event" in figure 2 or "download" or "change" in figure 3.*) and also the logged events that do not require an alert without the indicia (*Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they*

will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc.". Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc."), wherein the indicia comprises at least one of a shape, color, contrast and outline of a graphical symbol (This wherein clause is deemed to have been obvious to one of ordinary skill in the art because text is formed graphically on the display device.)

Havekost at column 54 lines 32-33 states "Each event marker may comprise a word indicating the event type". Thus, Havekost teaches to one of ordinary skill in the art event markers 90, 92 indicate event type and may comprise words but event markers 90, 92 are not limited to words. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to use graphical symbols since text is formed graphically from graphical symbols such as glyphs and since many fonts form characters as pictorial or decorative symbols such as present in Microsoft WORD Wingdings which forms WORD as:  and which forms alarm as:  and since a graphical symbol will tell to diverse users, irregardless of their language, the event type in a predictable manner. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705. This office action was prepared with Microsoft WORD 2003 which is before applicants filing date and it is asserted by Examiner Brier that this font was available prior to Microsoft WORD 2003. The examiner takes official notice of this fact concerning availability of this font prior to Microsoft WORD 2003. The claimed list in the wherein clause for prior art purposes is being analyzed in the alternative. The claimed at least one shape of a graphical symbol is the shape of the word alarm, at least one color of a graphical symbol is the color of the word alarm, at least one contrast of a graphical symbol is the contrast of the word alarm, and at least one outline of a graphical symbol is the shape of the word alarm.

Claim 2:

Havekost teaches the computer program of claim 1 wherein each of the plurality of logged events is displayed in the graphical format as the graphical symbol (*Referring to figures 2 and 3 each portion of the trend line (60, 62, 102, 104) may correspond to an event and this portion is a discrete graphical symbol. Alternatively each event marker, 90, 92 shown in figure 2 and 110, 112 shown in figure 3, is a discrete graphical symbol.*), and at least one event being selected in the graphical format comprises at least one of the graphical symbols being selected in the graphical format (*As discussed above when the user interacts with the graphical trend chart by placing a cursor over an event marker the software application will cause the computer to select a corresponding event in the event table.*).

Claim 3:

Havekost teaches the computer program of claim 2 wherein the graphical format defines a first axis (*horizontal*) representing time in consecutive discrete time intervals and a second axis (*vertical*), wherein a first and a second logged event occurring within a common discrete time interval are displayed as discrete boxes stacked along the second axis (*Trend lines 60, 62, and 64 or 102 and 104 are displayed in the graphical trend chart. When an event occurs at the same time in at least two of trend lines 60, 62, and 64 or in trend lines 102 and 104 then the symbols forming trend lines 60, 62, and 64 or 102 and 104 at that point in time are symbols stacked along the second axis. The stacked trend lines 60, 62, and 64 or 102 and 104 are graphical symbols stacked along the second axis which suggests using boxes as trend lines 60, 62, and 64 or 102 and*

104.). It would have been obvious to one of ordinary skill in the art at the time of applicant invention to utilize discrete boxes stacked along the second axis as the stacked trend lines 60, 62, and 64 or 102 and 104 because the form of the lines have only been slightly changed in a predictable manner. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705.

Claim 5:

Havekost teaches a computer program embodied on a computer readable memory and executed by a computer for performing actions to control a display, the actions comprising (*Column 4 lines 31-46 describes a typical workstation having a 3 gigabyte hard drive and 128 megabytes of main memory and application software preferable written in C++ which inherently is stored the hard drive or main memory or both to allow workstation to perform the application.*) for:

displaying, for each of a plurality of logged events, at least a first portion of the logged event in a tabular format (*Event table 54, see figure 2.*) and at least a second portion of the logged event in a graphical format (*Graphical trend chart 52, see figure 2.*);

in response to at least one event being selected in the tabular format (*Column 3 lines 26-30 discusses in response to the user using a cursor to select an event in the event table 54 the corresponding event in the graphical trend chart 52 is highlighted.*), changing the display of the corresponding at least one event in the graphical format

(Highlighting changes the display of the corresponding event in the graphical trend chart. See applicants claim 9 below.); and

in response to at least one event being selected in the graphical format (Column 3 lines 15-25 discusses in response to the user using a cursor to select an event in the graphical trend chart 52 the corresponding event in the event table 54 is highlighted.), changing the display of the corresponding at least one event in the tabular format (Highlighting changes the display of the corresponding event in the event table 54. See applicants claim 9 below.);

filtering the plurality of logged events (Column 6 line 22 to column 7 line 9 discusses allowing the user to filter the events, see the below discussion.)

Havekost does not fully teach by a filter criteria entered within the displayed tabular format (see the discussion below referencing the 10/30/07 amendment), and



Havekost teaches displaying the logged events that pass the filtering and the logged events that do not pass the filtering in both the tabular format and the graphical format, while automatically distinguishing by a displayed distinguishing indicia the logged events that pass the filtering (Events that pass the filtering are displayed in the event table, see column 6 lines 27-29, and corresponding event markers will be populate the graphical trend chart.) from the logged events that do not pass the filtering in both the tabular format and the graphical format (Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of

"change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc.". Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc.". The previous analysis applies to filtering since filtering for an alarm and all other non-alarm events produces a list of events that are alarm events and other non-alarm events where the alarm events are of primary concern and the other non-alarm events are of secondary concern due the selection in figure 5G of alarm as the first event type to list in the list "alarm", "change", "download", "event", and "status", thus, the first of the of the corresponding list "alarm" is displayed first which in effect by being first to be displayed "pass the filtering" and the remaining criteria of the list

“change”, “download”, “event”, and “status” is displayed secondly which in effect “do not pass the filtering” or due the selection in figure 5G of instrument as the first category to list in the list “instrument”, “process”, “system”, and “user” as shown in figure 5B, thus, the first of the of the corresponding list “instrument” is displayed first which in effect by being first to be displayed “pass the filtering” and the remaining criteria of the list “process”, “system”, and “user” is displayed secondly which in effect “do not pass the filtering” or similarly when any one of the other of “event type, category, area, node, module, state, level, desc1, desc2, order” is selected in figure 5G the first of the corresponding list is displayed first which in effect “pass the filtering” and the remaining criteria of the list is displayed secondly which in effect “do not pass the filtering”. Note the type of filtering has not been claimed. Thus, any type of filtering is covered by this claim.).

The 10/30/2007 amendment amended claim 5 to recite that the filter criteria is entered within the displayed tabular format while figures 5A-5E of Havekost shows a dialog box. However, the dialog box is associated with the tabular format and one of ordinary skill in the art would have been motivated to place the dialog box “within the displayed tabular format” because this would allow the user to more easily select a filter criteria or enter a filter criteria rather than using the application menu in a predictable manner. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705.

Claim 7:

Havekost teaches the computer program of claim 5 wherein the distinguishing indicia in the graphical format comprises at least one of color or shape of a graphical symbol (*The event markers 90, 92 and 110, 112 have a color and shape.*). As discussed for claim 1. Havekost at column 54 lines 32-33 states "Each event marker may comprise a word indicating the event type". Thus, Havekost teaches to one of ordinary skill in the art event markers 90, 92 indicate event type and may comprise words but event markers 90, 92 are not limited to words. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to use graphical symbols since text is formed graphically from graphical symbols such as glyphs and since many fonts form characters as pictorial or decorative symbols such as present in Microsoft WORD Wingdings which forms WORD as:  and which forms alarm as:  and since a graphical symbol will tell to diverse users, irregardless of their language, the event type in a predictable manner. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705. This office action was prepared with Microsoft WORD 2003 which is before applicants filing date and it is asserted by Examiner Brier that this font was available prior to Microsoft WORD 2003. The examiner takes official notice of this fact concerning availability of this font prior to Microsoft WORD 2003. The claimed at least one of color or shape of a graphical symbol is the color of the word alarm and the shape of a graphical symbol is the shape of the word alarm .

Claim 9:

Havekost teaches the computer program of claim 1 wherein changing the display of the corresponding at least one event comprises highlighting (*Column 3 lines 15-25 discusses in response to the user using a cursor to select an event in the graphical trend chart 52 the corresponding event in the event table 54 is highlighted. Column 3 lines 26-30 discusses in response to the user using a cursor to select an event in the event table 54 the corresponding event in the graphical trend chart 52 is highlighted.*) the corresponding at least one event.

Claims 12-14, 16, and 19:

These claims are method claim versions of computer readable claims 1-3, 5, and 9 respectively because they claim the same functions, thus, claims 12-14, 16, and 19 are rejected for the same reasons given for claims 1-3, 5, and 9.

Claim 20:

Havekost teaches a system for coupling a tabular display of data (*Event table 54, see figure 2.*) to a graphical display of data (*Graphical trend chart 52, see figure 2.*) comprising:

a computer readable first memory to store a plurality of recorded events, each event having a first portion of data fields (*Events stored in event database 302.*) and a second portion of data fields (*Trends stored in trend database 304.*) (*The database which stores the events has first (for example database 302) and second (for example database 304) portions. See figure 2 which shows each event record 1, 2, 3, 4, and 5 having a first portion associated with event table 54 and a second portion associated*

with the graphical trend chart 52.) wherein at least one data field is within both the first and second portion (At least one of the data fields which correspond to events is present in both databases 302 and 304 and which is presented to the user in both graphical trend chart 52 and event table 54.);

a processor (Workstation 10 comprises a PC which inherently has a processor, see column 4 lines 31-32.) coupled to said first memory (See figure 6 which illustrates a first memory comprising databases 302, 304, 306, 316, 318 that stores the events and trend chart and the discussion at column 7 lines 10-30.) to arrange the first portion into a tabular format (corresponding to event table 54.) and the second portion into a graphical format (corresponding to graphical trend chart 52.), said formats combined into an output signal that enables a monitor (See figure 1 which shows the PC as having a monitor which inherently receives a video signal from the computer of the PC.) to simultaneously display said tabular format and said graphical format (See figure 2 which shows Graphical trend chart 52 and Event table 54 displayed simultaneously.);

an input (Figure 1 shows the PC as having a keyboard and mouse which the user uses in selecting events.) coupled to said processor to receive a first (User selecting an event in the event table 54 produces an user input.) and a second (User selecting an event in the graphical trend chart 52 produces an user input.) user input that respectively selects a first (an event in event table 54.) and a second (an event in graphical trend chart 52.) portion of a recorded event, and a third user input that filters the plurality of events according to one of said data fields (The user may filter the events in event database 302. See the below discussion regarding filtering.);

a computer readable second memory coupled to said processor to store computer instructions to:

in response to each of said first and second user inputs, alter the output signal so that the recorded event selected by said user input is visually offset (*Highlighting is a form of visual offset. See applicants claim 9 above.*) from other recorded events in both the tabular format and the graphical format (*Selecting the event in the event table 54 visually accentuates the selected event and highlighting visually accentuates the corresponding event in the graphical trend chart 52.*) (*Selecting the event in the graphical trend chart 52 visually accentuates the selected event and highlighting visually accentuates the corresponding event in the event table 54.*); and










in response to the third user input, alter the output signal so that only a subset of the plurality of recorded events that is consistent with said third user input are included in said output signal (*Col. 6 line 22 to col. 7 line 9 discuss allowing the user to filter the events. Events that pass the filtering are displayed in the event table, see col. 6 lines 27-29, and corresponding event markers will populate the graphical trend chart. The events that do not pass Figs. 5A-5F filtering are not displayed in the event table and thus do not have corresponding event markers in the graphical trend chart. The display of the changes in the displayed event table 54 and graphical trend chart 52 require altering the output signal sent to the monitor. See below discussion for Fig. 5G filtering.*)

wherein the output signal enables the monitor to display the logged events that pass the filter and the logged events that do not pass the filter in both the tabular format and the graphical format (*See the above discussion for processor and the two "in*

response to" steps.) (The following "while" clause is the same "while" clause found in claim 5 which discussion is reproduced hereinafter.) while automatically distinguishing by a displayed distinguishing indicia the logged events that pass the filter (Events that pass the filtering are displayed in the event table, see column 6 lines 27-29, and corresponding event markers will be populate the graphical trend chart.) from the logged events that do not pass the filter in both the tabular format and the graphical format (Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc.". Havekost teaches the user may select "alarm", "change", "download", "event", and "status" and the order they will be displayed in event table 54, see figures 5A and 5G, column 6 lines 39-56 and column 7 lines 5-9. Thus, when the user selects in figure 5A "alarm" and at least one other of "change", "download", "event", or "status" and selects in figure 5G event type as the order, then, Havekost has allowed the user to display alarm events as well as other events both in the graphical trend chart 52 and event table 54 with the alarm distinguished by indicia of location in

the event table 54 and at least the word alarm in the trend chart 52. Note applicants specification at paragraph [00037] next to last sentence as location being an indicia "being displayed at the top of the log chart, etc.". The previous analysis applies to filtering since filtering for an alarm and all other non-alarm events produces a list of events that are alarm events and other non-alarm events where the alarm events are of primary concern and the other non-alarm events are of secondary concern due the selection in figure 5G of alarm as the first event type to list in the list "alarm", "change", "download", "event", and "status", thus, the first of the of the corresponding list "alarm" is displayed first which in effect by being first to be displayed "pass the filtering" and the remaining criteria of the list "change", "download", "event", and "status" is displayed secondly which in effect "do not pass the filtering" or due the selection in figure 5G of instrument as the first category to list in the list "instrument", "process", "system", and "user" as shown in figure 5B, thus, the first of the of the corresponding list "instrument" is displayed first which in effect by being first to be displayed "pass the filtering" and the remaining criteria of the list "process", "system", and "user" is displayed secondly which in effect "do not pass the filtering" or similarly when any one of the other of "event type, category, area, node, module, state, level, desc1, desc2, order" is selected in figure 5G the first of the corresponding list is displayed first which in effect "pass the filtering" and the remaining criteria of the list is displayed secondly which in effect "do not pass the filtering". Note the type of filtering has not been claimed. Thus, any type of filtering is covered by this claim.), wherein the indicia comprises at least one of a shape, color, contrast and outline of a graphical symbol (This wherein clause is deemed to have been

obvious to one of ordinary skill in the art because text is formed graphically on the display device.)

Havekost at column 54 lines 32-33 states "Each event marker may comprise a word indicating the event type". Thus, Havekost teaches to one of ordinary skill in the art event markers 90, 92 indicate event type and may comprise words but event markers 90, 92 are not limited to words. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to use graphical symbols since text is formed graphically from graphical symbols such as glyphs and since many fonts form characters as pictorial or decorative symbols such as present in Microsoft WORD Wingdings which forms WORD as:     and which forms alarm as:      and since a graphical symbol will tell to diverse users, irregardless of their language, the event type in a predictable manner. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007), U.S. Supreme Court No. 04-1350 Decided April 30, 2007, 127 SCt 1727, 167 LEd2d 705. This office action was prepared with Microsoft WORD 2003 which is before applicants filing date and it is asserted by Examiner Brier that this font was available prior to Microsoft WORD 2003. The examiner takes official notice of this fact concerning availability of this font prior to Microsoft WORD 2003. The claimed list in the wherein clause for prior art purposes is being analyzed in the alternative. The claimed at least one shape of a graphical symbol is the shape of the word alarm, at least one color of a graphical symbol is the color of the word alarm, at least one contrast of a graphical symbol is the contrast of the word alarm, and at least one outline of a graphical symbol is the shape of the word alarm.

Claim 21:

The computer program of claim 5, wherein the filter criteria is one of a user text entry or a user selection from a fixed list of options.

The dialog box shown in figures 5A-5E of Havekost has text entry and selection from a fixed list of options.

Claim 22:

The method of claim 16, wherein the filter criteria is one of a user text entry or a user selection from a fixed list of options.

The dialog box shown in figures 5A-E of Havekost has text entry and selection from a fixed list of options.

Claim 23:

The system of claim 20, wherein the third input is displayed within the tabular format.

The results of the filtering are displayed by Havekost in both the graphical format in graphical trend chart 52 and tabular format in event table 54.

Claim 24:

The system of claim 20, further comprising a select-all function that operates to select only those events that pass the filter for a next operation.

In the filtering dialog boxes shown in figures 5A-5E of Havekost several events may be filtered at first and then later the user may select less events to filter, thus, Havekost has enabled one of ordinary skill in the art to "select only those events that

pass the filter for a next operation. Thus, Havekost has provided a system with a "select-all function".

10. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havekost et al, US Patent No. 7,023,440 in view of Raboczi et al., US Patent Application No. 2003/0061209.

Claim 8:

Havekost does teach the computer program of claim 1, however, Havekost does not teach further comprising:

in response to a user positioning an indicator at an event in the graphical format, displaying a tooltip proximal to the event in the graphical format that includes a text entry of the first portion .

Raboczi et al., US Patent Application No. 2003/0061209, teaches in paragraphs [0080] and [0082] a tooltip and in paragraph [0082] mirroring in a tooltip the number corresponding to a bar graph 102. The tool tip displays information from a first portion of the data field which corresponds to a second portion of the data field used to form the graphical portion of the bar graph.

Thus, when a tooltip of the type shown by Raboczi to be old and well known is used in Havekost to allow the user to view information pertaining to an event, the second portion of the data field such as database 304 used to generate the event in the graphical trend chart 52 is used as a link to the first portion of the data field such as

database 302 that has the event information for event table 54. This will allow the tooltip to display a numerical value of the event the cursor is hovering over.

Raboczi suggests modifying Havekost because it teaches to one of ordinary skill in the graph art that a tooltip is useful in giving the user information about an item on the graph.

It would have been obvious to one of ordinary skill in the art at the time of applicants invention to add a tooltip to Havekost because this will allow the user to gain information about an event on the graphical trend chart.

Claims 18:

This claim is a method claim versions of computer readable claim 8 because they claim the same functions, thus, claim 18 is rejected for the same reasons given for claim 8.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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Art Unit: 2628

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628